

## BILL ANALYSIS

By: Cain

H.B. 384

### BACKGROUND:

Currently, there are no statutes governing the operation of cranes used in construction, demolition, or excavation work.

### PURPOSE:

As proposed, H.B. 384 requires the Texas Department of Labor and Standards (department) to adopt rules for the operation of cranes.

### RULEMAKING AUTHORITY:

It is the committee's opinion that rulemaking authority is granted to the Texas Department of Labor and Standards under Sections 2, 7, and 10 of this bill.

### SECTION BY SECTION ANALYSIS:

SECTION 1. Defines "crane" and "department."

SECTION 2. Sets forth powers and duties of the department. Requires the department to adopt rules for the operation of cranes. Allows the department to establish, by rule, a provisional license program for apprentice or trainee crane operators.

SECTION 3. Establishes the Advisory Board on Crane Operation (board). Sets forth qualifications for membership and length of terms.

SECTION 4. Authorizes the board to conduct an examination of applicants for licensing as crane operators.

SECTION 5. Sets forth requirements for license applicants. Provides that a license is valid throughout the state but is not transferable.

SECTION 6. Provides that a license is valid for one year. Provides for license renewal.

SECTION 7. Provides for the denial, suspension, or revocation of a license. Allows the department to establish procedures for disciplinary actions subject to the Administrative Procedure and Texas Register Act (Article 6252-13a, V.T.C.S.).

SECTION 8. Authorizes the department to suspend or revoke the license of a crane operator involved in an accident after a hearing.

SECTION 9. Provides specific exemptions from licensing requirements under this Act.

SECTION 10. Requires the department to distribute warning signs to be placed on all cranes operated in this state. Sets forth requirements for letter size and sign content. Allows department to adopt rules relating to this section.

SECTION 11. Provides that operation of a crane without a license is an offense punishable as a Class B misdemeanor. Provides that operation of a crane while under the influence of alcohol, drugs, volatile chemicals, marijuana, or abusable glue or paint commits an offense punishable as a third degree felony.

SECTION 12. Effective date for license requirement. February 1, 1988. Provides that a person licensed to operate a crane by the U. S. Department of Labor may receive a license without examination if such person applies for a license by January 1, 1988, and pays the license and registration fee. Allows the department to establish staggered examination dates.

SECTION 13. Effective date. September 1, 1987.

SECTION 14. Emergency clause.